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O/REF. Case P10-1107B/NV-JR/SGD-LG-PI
Y/REF. 033818.037BY EMAIL + FAXURGENTClermont-Ferrand,
November 4, 2005US Patent Application 09/501,408 of SerreAttention to Alan E. Kopecki – Buchanan Ingersoll PC

Dear Alan :

This follows your letter dated October 5, 2005, regarding a Final Office action issued June 6, 2005, directed to our case P10-1107B.

First of all please note that the previously discussed comparative examples are unfortunately not available.

But, after having studied in detail the last Office action, the cited prior art and discussed the matter again with the inventors, we think we can propose amended claims and arguments against the cited prior art, as proposed hereafter.

1. NEW SET OF CLAIMS

We suggest amending claims 23 and 29 as proposed in the enclosure.

Precisely, we suggest limiting claim 23 to a tire wherein :

- the reinforcing filler is a blend of carbon black and exclusively silica as white filler ;
- the blend (total reinforcing filler) is in an amount between 15 and 50 phr (supported by the initial claim 1 as filed – see page 4) ;
- the amount of silica is greater than the amount of carbon black.

We presume the third feature will be considered as well-supported by the specification as filed since the amount of silica is always (much) more than the amount of carbon black in each and every working example : see Table 1, tests 1 and 2 ; Table 3, tests 8-12 ; Table 5, tests 14-17 ; Table 6, tests 15-17,

except for the sole case of Test 14 wherein the amount of silica (UVN3) is equal to the amount of carbon black (15 phr) but in the same time the tearability (TEB measuring the cohesion of the composition) is damaged (please compare test 14 to tests 15-16-17 tests).

We think there is in this Example 3 and results of Tables 5-6 the good support for defending our newly amended claim 23 (moreover with the needed comparative examples).

With regards to newly amended claim 29, you will easily understand that we simply propose to limit this claim to the case wherein the reinforcing (white) filler is exclusively silica.

For supporting the inventiveness of this solution of claim 29, we could highlight the fact that the TEB value is much better in Test 13 (15 phr of silica alone) compared to the comparative and control Test 14 above (wherein silica is mixed with 15 phr of carbon black).

This being said, in addition to the enclosed set of claims, we would like you add some sub-claims covering the following preferential features :

➤ sub-claims depending on claim 23 :

- blend of silica and carbon black in an amount of between 20 and 45 phr (support in page 6, paragraph 2).
- silica in an amount greater than 25 phr and less than or equal to 35 phr (support in page 5, last paragraph).

➤ sub-claims depending on both claims 23 and 29 :

- the elastomeric matrix further comprises a coupling and/or a covering agent (support in page 4).
- the elastomeric matrix further comprises a covering agent selected among fatty alcohols, alkylalkoxysilanes, diphenylguanidines, polyethylene glycols and silicone oils (support in page 4).
- the amount of coupling and/or a covering agent is in a weight ratio relative to the silica between 1/100 and 20/100 (support in page 4).
- the amount of coupling and/or a covering agent is in a weight ratio relative to the silica between 2/100 and 15/100 (support in page 4).

2. USC 103 (a) OBJECTION

Contrary to the present invention, Segatta teaches using carbon black as major filler, that is to say alone (according to Example 1, see col 5, lines 30) or with silica (according to Example 2, see col 6, lines 46-49) but in that last case with a minor fraction of silica : see col 4, lines 3-5 stating that (emphasis added) : "Silica, if used, may be used in an amount of about 5 to about 25 phr".

This simply means that silica is optional and its amount is in a minor proportion, compared to the range of 20-200, preferably 30-60 phr taught for carbon black (see col. 3, lines 66-67).

Segatta does not teach in fact anything more than a quite conventional elastomeric mixture reinforced by carbon black and optionally comprising a small amount of silica.

Summarizing, the Segatta's document is far from the presently claimed invention, being clear that Segatta does not disclose nor suggest a tire as claimed wherein the amount of silica is greater than the amount of carbon black (while the blend of carbon black and silica is specifically in an amount of between 15 phr and 50 phr).

If you agree with the above, could you please prepare a response accordingly and file it in due time.

We understand of course that the next time limit of November 7, 2005 is very short, but would appreciate that you try to do so, if still possible, in order to avoid a too expensive fee.

Anyway, if you cannot file on November 7, 2005, we will file a response before the next deadline of December 6, 2005, with a 3-month extension of time. Only in that case, please send us your draft before November 25, 2005.

Thank you very much for your assistance.

Best regards,
Nathalie and Joel.

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